

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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DECLARATION OF PRINCIPLES

*of the International
Religious Liberty Association*

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right of freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

International Religious Liberty Association
6840 Eastern Avenue
Takoma Park, Washington 12, D.C.



THIRD QUARTER
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LIBERTY

WASHINGTON
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A MAGAZINE OF RELIGIOUS FREEDOM

IN THIS ISSUE

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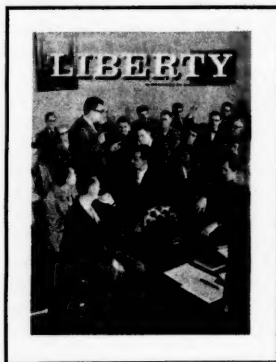
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OUR COVER PICTURE: The traditional American town meeting is a model of free political procedure and a symbol of free speech. Each individual has a right to think his own thoughts and to express them, and each has a duty to listen to the expression of others' thoughts. Freedom of public discussion is obviously most imperative to a self-governing people who find their wisdom in the free expression of the minds of individual citizens whose discussion of matters of public concern is without abridgment. Everything worth saying should be said.

COVER PHOTO BY J. BYRON LOGAN

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THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION, organized in 1888, is dedicated solely to the preservation of religious liberty, as indicated in the Declaration of Principles on the preceding page. The Association advocates no political or economic theories. General secretary, J. Arthur Buckwalter; associate secretary, W. Melvin Adams.

THIRD QUARTER

3

free speech

editorial



GAG LAWS HAVE NO PLACE in a free society. Every free man has an inalienable right to give public expression to his opinions and convictions. Freedom of speech fosters peaceable interchange of creative thought and the voluntary allegiance to great ideas and ideals. Free speech places faith in the value of discussion and the desirability of reason.

In a government of free men no individual or special group dominates the agencies of communication. No secular or ecclesiastical authorities are allowed to control or suppress the freedom of speech or of the press or to restrict the religious propaganda of those who do not conform. Freedom does not permit the totality of control of the media of expression by any private or public interest that may claim to represent the majority viewpoint.

Another aspect of freedom of speech is that all sides of conflicting points of view should have equal opportunity of expression. Too often majority viewpoints tend to suppress minority opinions. Commissions, study groups, even churches and legislatures, at times utterly ignore the views of minority groups. It is a basic principle of the freedom of speech that "no suggestion of policy shall be denied a hearing because it is on one side of the issue rather than another." No speech should be outlawed because someone in control thinks it is unwise, unfair, or contrary to the popular opinion. No speaker is out of order because we disagree with what he intends to say. Folly must be heard, as well as wisdom.

To the extent that citizens who are to decide an issue are denied adequate acquaintance with all opinions, pro and con, relevant to the issue, to that extent their understanding and judgment are ill-considered and unbalanced. To deny the free speech of minorities or nonconformists is to mutilate the thinking processes of the community. All conflicting views

are entitled to equal expression, not because they are equally valid, but because they are all relevant.

The stigma of antisocial disloyalty should never be applied to those who speak honestly in differing with the majority religious viewpoint. Minority religions are equally entitled to the freedom of speech. We must be eternally vigilant against coercive attempts to check the free expression of opinions we may abhor or feel are fraught with grave danger.

It is rabid intolerance that grants a hearing to one side while denying it to another. Men have the right to express freely by voice and by pen the ideas that are vital and sacred to them. This free expression is a duty every free citizen owes to the material and spiritual welfare of a free community. Intellectual freedom is essential to the maturity of civilization.

Whenever governments suppress free speech in an attempt to escape certain evils, they create greater evils. Neither state nor church should be allowed to persecute any individual or any group for the public expression of their religious opinions. The great American jurist Mr. Holmes, in his famous dissenting opinion in the Abrams case, set forth the fundamental truth "that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market."

The unabridged freedom of public discussion is the stable rock upon which free government is erected and preserved. The time has come when all governments and churches of the world should declare in no uncertain terms that freedom of discussion is essential to the enlightened brotherhood of man, and that no idea may be suppressed because someone in secular or ecclesiastical power has judged it to be dangerous or heretical.

We should like to thank the already passing on the Service men and women. Service is a noble profession.

"We Cannot But

**FREE SPEECH: A Christian Necessity, A Human Right,
A Civil Prerogative, A Divine Endowment**

By LEIF KR. TOBIASSEN, Ph.D.

FREEDOM OF SPEECH is a fundamental human right essential both to the Christian and to the preservation of Christianity itself. The command of Christ is: "Go ye into all the world, and preach" (Mark 16:15). Obediently, the Christians nineteen



hundred years ago "went forth, and preached every where" (verse 20), but not without the necessity of defending their right of free speech. On one occasion "as they spake unto the people, the priests, and the captain of the temple, and the Sadducees, came upon them" (Acts 4:1). The Christian spokesmen were thrown into jail. The next morning the court "commanded them not to speak at all nor teach in the name of Jesus" (verse 18). To this court order the apostles replied in the divinely inspired words: "We cannot but speak" (verse 20). No Christian can concede to governmental power the right to curb freedom of speech.

Freedom of religion and freedom of speech are inseparable. There can be no religious liberty without free expression. Christianity implies communication. To limit the freedom of speech is to impair freedom of religion.

The Grand American Tradition

In no country today is the right of bold expression more zealously upheld than in the United States. From British and other ancestors the American people have inherited a vigilant sensitivity regarding liberty of communication. Through the centuries, thanks to their Biblical background, Americans have remembered Nathan the prophet sternly rebuking David the king for his sinful plot to take the life of Uriah the Hittite, Elijah undauntedly denouncing

Ahab for confiscating Naboth's vineyard, and Paul taking Peter to task for spiritual cowardice.

Americans have also remembered that in 1215 the men of England declared through the Magna Charta that governmental whim may not prevail against individual rights. American students have read Milton's *Areopagitica* of 1644 proclaiming liberty of speech. In 1689 the British Bill of Rights formulated the doctrine that freedom of speech ought not to be questioned. In 1695 Parliament refused to renew the Licensing Act, which had authorized prior censorship.

On this Biblical and historical background the American Continental Congress, in 1776, declared that men here had freedom of expression among their five invaluable rights. In the same year the Pennsylvania Constitution echoed this principle by stating: "*The free communication of thought and opinion is one of the invaluable rights of man: and every citizen may freely speak.*" This age-long development reached a climax in 1791 when the First Amendment to the United States Constitution was enacted, protecting freedom of expression from police restrictions. Two years previously, the revolutionary French National Constituent Assembly had issued the Declaration of the Rights of Man proclaiming that "free communication of ideas and opinions is one of the most precious of the rights of man. Consequently, every citizen may speak, write and print freely." The declaration became a catechism of liberty for many nations in Europe and elsewhere.

Free Speech Questioned Even in America

The great victory for free expression in the United States, enshrined in the First Amendment, at times has been assailed. Under the tensions created by the radical advances in Europe, Congress passed

Speak"

the Sedition Act of 1798. But the limitation of free speech provided by that act was followed by the election of Thomas Jefferson two years later. In his first inaugural address he said:

If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.¹

These sentiments prevailed among the majority of Americans although during the Civil War attempts were made to curtail critical speech: General Ambrose E. Burnside, in charge of the territories of Illinois, Indiana, and Ohio, in April, 1863, pontificated in an ordinance "declaring sympathy for the

enemy will not be allowed." Burnside's martial order did not reflect President Lincoln's general policy, although Burnside's sentiments were revived about fifty years later during the World War I period, only forty years ago. Prof. Zechariah Chafee summarizes the oppression of free speech in this way:

By June 30, 1919, 877 persons had been convicted for speaking and publishing. At least 35 were sentenced to prison for twenty years, and 58 for ten up to fifteen years. It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional . . . , to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christ. Men were punished for criticizing the Red Cross and the Y.M.C.A. A state court in . . . held it a crime to discourage women from knitting by the remark, "No soldier ever sees these socks." One judge sentenced a woman to ten years in prison for [stating] "I am for the people and the government is for the profiteers," because what was said to mothers, sisters, and sweethearts might lessen their enthusiasm for the war.²

The end of the war did not at once put an end to this wide deviation from the American Constitution. The ideals of freedom did not loom clearly enough in the minds of many men. Bolshevik mobs and Prussian battalions seemed much more real than the principles of human rights. Fortunately, a number of great Americans kept their heads cool.

The Magna Charta, issued by King John of England in 1215, guaranteed security against arbitrary rule.

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In the spring of 1919, Justice Holmes declared that unless bold speech would create "a clear and present danger" to American society, it should remain free from police intervention.¹ While the "clear and present danger" formulation is not satisfactory to all, it marked a noble advance from the low position taken by many courts at the time. Congress between 1920 and 1930 rejected every peacetime sedition bill limiting free speech.

In 1925, in the notable *Gitlow* case,² the Supreme Court unanimously held that "freedom of speech and of the press are among the fundamental personal rights and 'liberties' protected from impairment by the States" and not merely by the Federal Government. In 1927 the "clear and present danger" doctrine was somewhat extended by Brandeis who wrote that to "justify suppression of free speech there must be a reasonable ground to fear that serious evil will result if free speech is practiced."³ This "serious evil" formulation left it to the courts, however, to decide how "serious" a given "evil" might be considered.

Under the leadership of Chief Justice Hughes,

nobly aided by Holmes and Brandeis, great advances soon were made. The Jehovah's Witnesses were upheld in their strident exercise of free speech. The Supreme Court became the great American forum for profound debate on human rights and the freedoms of the individual. The "preferred position" thesis was developed, maintaining that the freedoms guaranteed under the First Amendment were beyond police power and could not be restricted unless the limitations were, in the words of Justice Wiley Rutledge in 1945, "justified by clear public interest, threatened not doubtfully or remotely, but by clear and present danger. . . . Only the gravest abuses, endangering paramount interests, give occasion for permissible limitation."⁴ This doctrine marked an advance, but it was left with the courts to define "paramount interests" and "gravest abuses."

Not only do these Supreme Court formulations fall short of the Jeffersonian ideal but the court more recently has retreated somewhat from the advanced positions taken by Holmes, Brandeis, Hughes, Rutledge, and others. Although the current positions taken under Chief Justices Vinson and Warren

The Evil of Silenced Opinion

By JOHN STUART MILL



If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.¹

First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility.

Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.²

But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race, posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.³

¹ *On Liberty*, by John Stuart Mill, p. 31

² *Ibid.*, p. 89

³ *Ibid.*, pp. 31, 32

may not be lucidly consistent, it is reassuring to find that they are on a much higher plane than positions taken during the World War I period.

The Supreme Court today is struggling in perceptible agony with the dilemma created by the chasm between the American ideals expressed in the First Amendment and the danger to American society seen in ideological disunity during a time of extreme international tension. In this dilemma it behooves every citizen to give the Supreme Court clear guidance by frankly upholding a climate of freedom, unclouded by hysterical fear and un-American expediency.

The Supreme Court in the last few years has rendered a number of remarkable decisions firmly upholding and further fortifying the right of bold speech. No permit may be required by the local police for any speech in a private place.⁷ Assemblies in public places may be subject to licenses, but the police may not refuse a license on the basis of the probable contents of the speech.⁸ Local ordinances granting the police arbitrary discretion to issue or to withhold licenses have repeatedly been struck down.⁹ Even a speaker who once allegedly used disorderly language may not be refused a license for that reason.¹⁰ The police may not hinder anyone from making a speech even in a meeting sponsored by a "subversive" organization.¹¹ The Jehovah's Witnesses have been upheld in using a sound truck playing a record criticizing another religious organization.¹² Even if a speech "stirs the public anger, invites dispute, brings about a condition of unrest or creates a disturbance," the speaker is protected by the Constitution.¹³ A local ordinance forbidding "sacrilegious" expressions was held too vague to be used in curbing "sacrilegious" utterances.¹⁴ No one may be punished for declaring a court decision "outrageous"; freedom to criticize the courts has been protected.¹⁵ House-to-house interviews or house-to-house solicitation for religious purposes cannot be forbidden.¹⁶ While the Supreme Court seems to hold that incitement to illegal action may be punishable, mere discussion is not.¹⁷ In a hundred ways freedom of bold speech is zealously guarded today.

The Climate of Liberty Tomorrow

It would be irresponsible to deny that though freedom of speech is embedded in the Constitution, and though the Supreme Court during the past thirty years has proved a formidable champion of the right to free speech, the danger is ever present that the climate of liberty might change. World events have now a tremendous and immediate impact upon local and national thinking, and the Supreme Court is but the instrument of thinking or unthinking people.

The American liberties guaranteed by the constitutional clauses are secure only under an American climate of liberty. The present favorable conditions

of freedom in the United States are subject to changing public opinion. However important the words inscribed in the Constitution may be, their worth is no greater than their current interpretation by the courts; and the courts are not immune from the impact of public opinion.

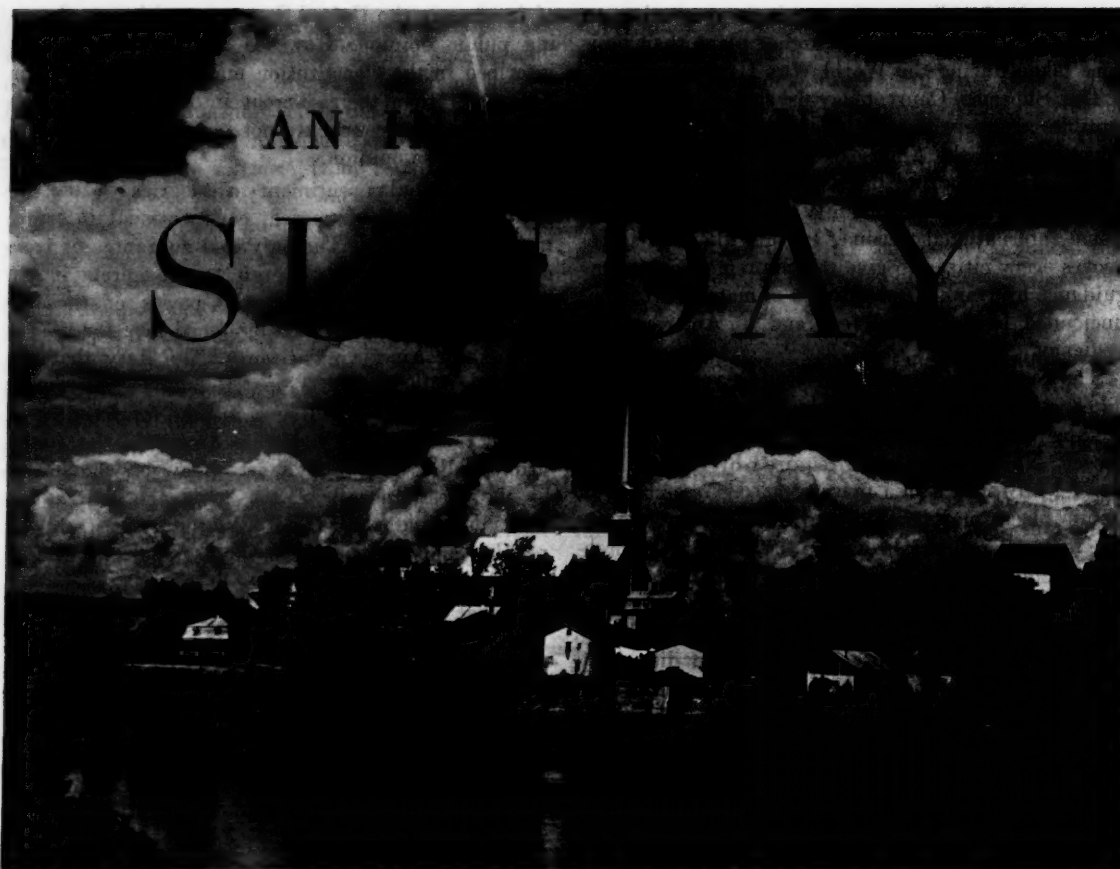
Should popular sentiment in America weaken regarding freedom of speech, constitutional interpretation will descend. The only real guarantee of freedom of expression lies, therefore, not merely in the constitutional words or in the power of the Supreme Court, but in the enlightened love for liberty among the American citizenry. The duty that the founding fathers of this great Republic so gloriously fulfilled, that of instilling a respect for freedom of speech in the individuals that constitute the American public, that duty must today be shouldered by the press, the school, the home, the church, the statesmen, the radio and TV industries, and all peoples and agencies who mold popular thinking.

There is nothing inevitable in man's inherent nature that makes him long for freedom. Freedom is a fruit of education. The vast majority of men have been willing to acquiesce in servitude and constraint and uniformity. The unenlightened man's ideal seems to be a closed and unified and uniform society. As Prof. Zechariah Chafee so aptly has remarked, even sophisticated men feel a strong exhilaration when they march in a procession that keeps perfect step with everybody singing in unison. Love for freedom is educated love.

The ideal of liberty is a divinely communicated principle, which only divinely enlightened men have the sense to receive and to cherish. Only aided by divine strength can men sustain the practices of freedom. Left to their own devices, men will rapidly degenerate into oppression, thralldom, and uniformity—and like it. God is the author of liberty. Only God's power in the hearts of men who are enlightened, can preserve freedom in this world.

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- ² ZECHARIAH CHAFEE, *Free Speech in the United States*, Harvard University Press, Cambridge, 1948.
- ³ *Schenk v. United States*, 249 U.S. 47 (1919).
- ⁴ *Gitlow v. New York*, 268 U.S. 652 (1925).
- ⁵ *Whitney v. California*, 274 U.S. 357 (1927).
- ⁶ *Thomas v. Collins*, 323 U.S. 516 (1945).
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- ⁹ *Lovell v. Griffin*, 303 U.S. 444 (1938); *Schneider v. Irvington*, 308 U.S. 147 (1939); *Sala v. New York*, 334 U.S. 558 (1948); *Kunz v. New York*, 340 U.S. 290 (1951).
- ¹⁰ *Ibid.*
- ¹¹ *De Jonge v. Oregon*, 299 U.S. 353 (1937).
- ¹² *Cantwell v. Connecticut*, 310 U.S. 296 (1940).
- ¹³ *Terminiello v. Chicago*, 337 U.S. 1 (1949).
- ¹⁴ *Burstyn v. Wilson*, 343 U.S. 495 (1952).
- ¹⁵ *Bridges v. California*, 314 U.S. 252 (1941); *Pennekamp v. Florida* 328 U.S. 331 (1946); *Craig v. Harney*, 331 U.S. 367 (1947).
- ¹⁶ *Martin v. City of Struthers*, 319 U.S. 141 (1943).
- ¹⁷ *Yates v. United States* 354 U.S. 298 (1957).



H. A. ROBERTS

AMONG THE MULTITUDINOUS INTERNATIONAL GATHERINGS that are taking place in one country or another almost every week, perhaps not many noted the meeting of the International Union of Catholic Employers' Association in Cologne. It was, however, notable from the point of view of religion as well as business, because an important place on the agenda was given to the subject of Sunday observance and Sunday work.

Many German industries today, including the steel, cement, glass, and chemical trades, are urging the adoption of a rotating workweek in which employees would get a day of rest after every five days of work. It was pointed out, however, that the German Catholic bishops, as well as Protestant leaders, have on a number of occasions, protested against the adoption of any rotating workweek that would eliminate Sunday as a regular day of rest.

"The loss of Sunday, with its religious and human values, will remove man from God. Business will become the complete ruling idol," they have declared.

Emerging from the discussion a proposal was made for an international treaty to make Sunday a uni-

versal day of rest both on religious grounds and to eliminate unfair international competition.

Readers of this journal know very well that we have no burden for the international establishment of Sunday as a day of rest, because such religious legislation contravenes the basic principles of religious freedom which are so essential for the peace and happiness of mankind. The international establishment of Sunday-keeping Christianity as the internationally legislated religion of the nations, would deny the principle of equal freedom for all faiths, and would subject other religions to the status of toleration and not freedom. This international exaltation of the first day of the week as the day of rest in place of the seventh would penalize those who in obedience to the Decalogue observe Saturday, the seventh day of the week, as the Sabbath.

We cannot, however, fail to recognize the significance of this proposal when it is linked with the growing agitation for the revival of Sunday law legislation in America and in England. It is never wise for a nation to strive for legislated conformity in religion. It is even more dangerous to contemplate religious legislation on an international scale.

FREEDOM OF SPEECH, I believe, merits belief primarily because of its unique spiritual significance. The Author of all truth and knowledge said, "Ye shall know the truth, and the truth shall make you free." Free speech has opened numerous gateways in our endless quest for the knowledge of the truth. It has ever been a continuing force in setting man free. Wherever it is denied, slavery ensues. On its lowest level, speech is but one of the ways in which organisms communicate; on its highest level it is God's greatest instrumental endowment to man.¹

Freedom of speech is an effusive freedom, allowing, if need be, an unrestrained expression of the feelings and convictions of the hearts of a free people. It is the freedom that gives man the opportunity to release his inner tensions if he feels so moved, to remonstrate against injustice and falsehood as the courage of his convictions may dictate.

This freedom has far-reaching significance for each one of us as free citizens. It is our individual privilege to expound our deepest convictions concerning any subject, and in a democratic atmosphere, our own contribution, small though it may be, could be of potential worth in molding public opinion and in arriving at decisions of import to the welfare of our country.

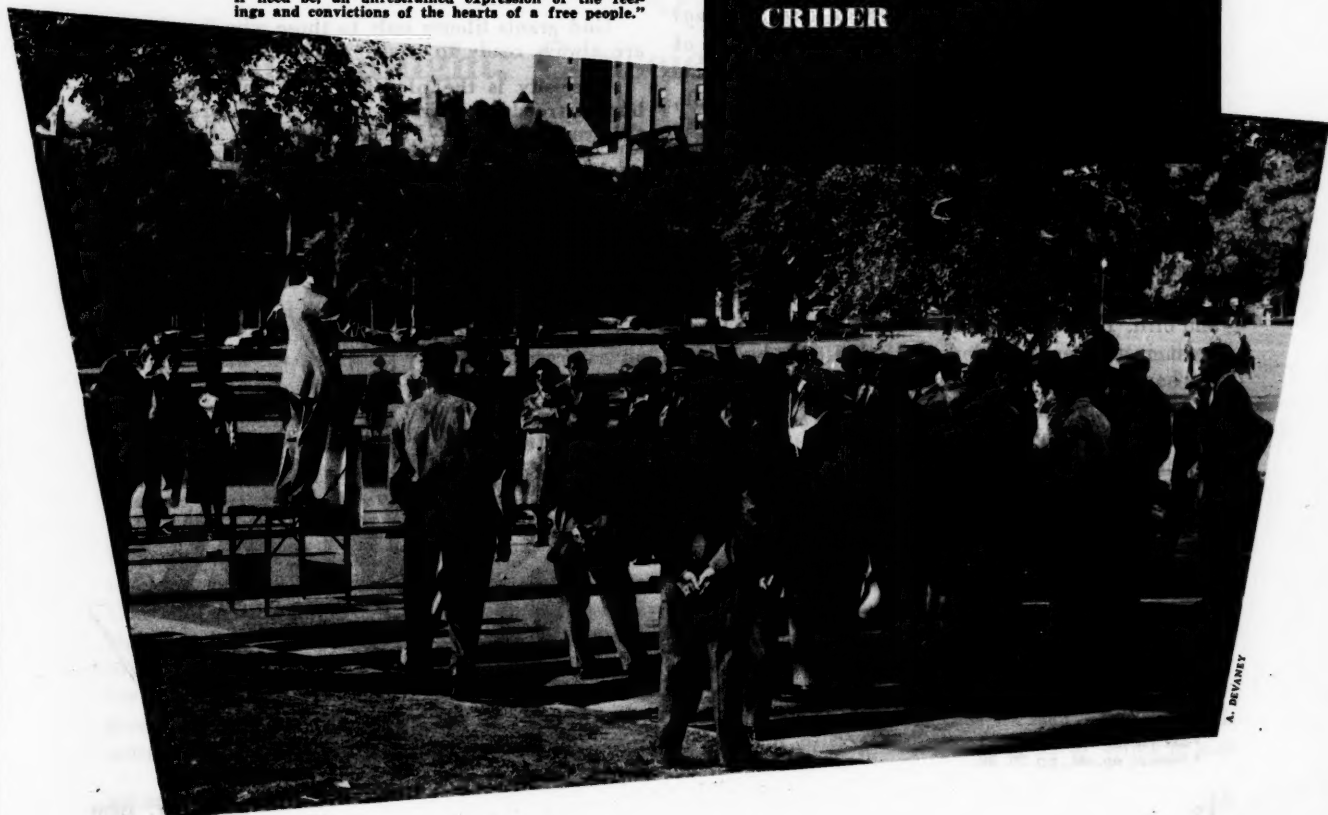
A democratic country has been facetiously defined

"Freedom of speech is an effusive freedom, allowing, if need be, an unrestrained expression of the feelings and convictions of the hearts of a free people."

WHY I
BELIEVE IN

Freedom OF Speech

By
MRS. JAMES L.
CRIDER



A. DEYANEY

as "a place where people say what they think without thinking." The repression of free speech, however, which forces men to think without giving voice to thought, is fatal to the progress or happiness of a people. It is apparent that the expression of one's thoughts is the outward voice of the inner self. Any attempt to thwart the innermost feelings of the human heart by restriction of speech constitutes a cutting off of the life line of a community or nation. Free speech represents the pulsating life of individuality flowing out from the inner soul of man to make frank and open contact with his fellow men. It is both stimulating and creative.

Freedom to organize is one of the many natural outgrowths of a free society. However, it is perhaps more directly related to our privilege to speak freely of our inward opinions, hopes, and desires. Organization is the result of man's desire to voluntarily associate with others for a more effective society.

Montaigne said, "Speech belongs half to the speaker, half to the listener." Picture the plight of frustrated individuals in any community who would like to speak their minds, but are suppressed, and of their would-be listeners deprived, because of lack of freedom, of the honest expression or creative thought of their verbal communications. This type of restriction creates an unhealthy mental state among the citizens of any country so regimented. Freedom of speech belongs in a free country. Without it, no country is truly free.

Zechariah Chafee, Jr., writing in *The Blessings of Liberty*, says, "Of all the arguments in favor of Freedom of Speech, the strongest of all (I have come to think) is that it gives us a better country to live in, with fewer suspicions, animosities, informers, heresy trials, and more scope for initiative and originality."

Dr. Poteat comments on the spiritual necessity of free speech. "And if free speech is not encouraged, it may die; and if it dies, we shall have started backward down the long road that leads to the chattering of apes or the silent communication between flower and bird. That will mean we have begun to lose God's great instrumental endowment, that gift by which we have learned to communicate with our fellows and with Him. And if we lose that, civilization will follow us into the jungle, and the race of man will pass the muted silences of spiritual darkness."

Our ultramodern world is desperately in need of keen spiritual perception. It is no time now to permit the subtle betrayal of the free expression of faith and conviction. It is most imperative, therefore, that we of the twentieth century strengthen our belief in and our encouragement of the priceless liberty of freedom of speech.

¹ E. M. POTEAT, *Four Freedoms and God*, p. 15.

² ZECHARIAH CHAFEE, JR., *The Blessings of Liberty*, p. 101.

³ POTEAT, *op. cit.*, pp. 37, 38.

FOCUS on FREEDOM

Liberty is the best of all things; never live beneath the noose of a servile halter.—Sir William Wallace

In a people where corruption has penetrated to the core, liberty cannot subsist even for a moment.—Machiavelli

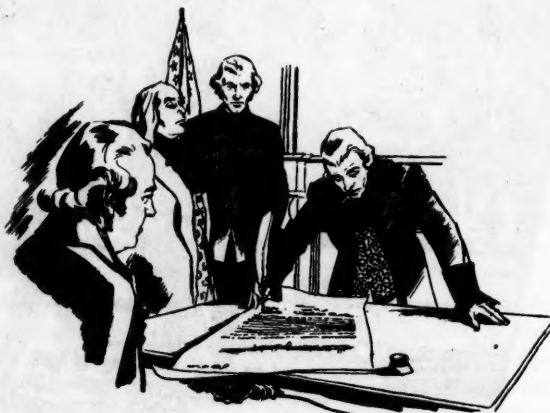
I confess I am in love; the name of my sweet-heart is liberty; and as Jacob of old served twice seven years for Rachel, so I am willing to serve that time, or even longer, to woo and win liberty to my home.—Marion

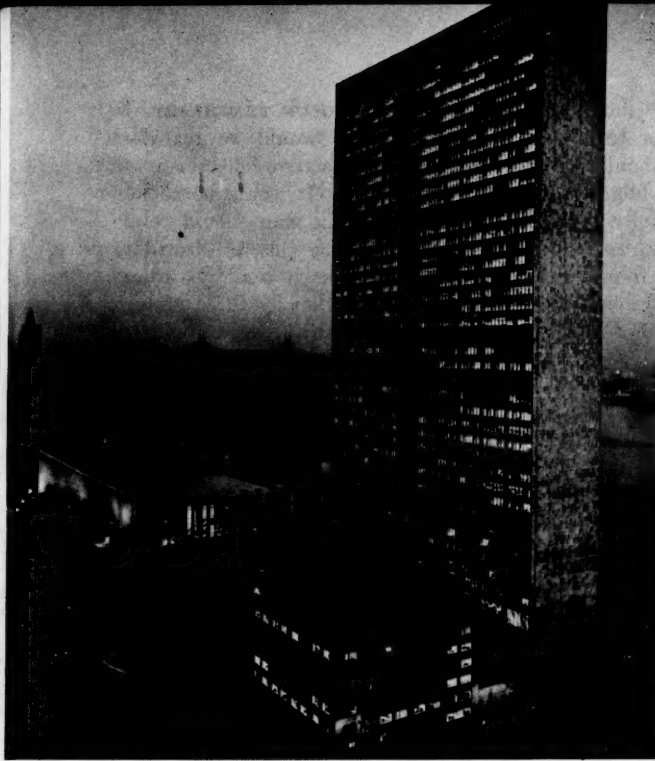
Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.—Sumner

God grants liberty only to those who love it, and are always ready to guard and defend it.—Webster

Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.—Pitt

Never look, therefore, for an age when people can be quiet and safe. At such times despotism, like a shrouding mist, steals over the mirror of freedom.—Phillips





UNITED NATIONS

The United Nations Headquarters in New York, symbolizes the great need of global understanding and of religious freedom for the world.
"There is no such thing as fractional freedom."

order and the general welfare in a democratic society."¹

Article 30 states: "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein." In the Draft Covenant on Civil and Political Rights, Section II of Article 18 affirms: "No one shall be subject to coercion which would impair his freedom to maintain or to change his religion or belief." And Section III states: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."²

These great principles enunciated in the Universal Declaration of Human Rights in the Draft Covenant on Civil and Political Rights are basic to the universal application of the principles of religious freedom. It will be observed that Article 28 of the

The Meaning of Freedom

of Thought, Conscience, and Religion

Based on the United Nations Subcommittee on Human Rights Draft Report
on Religious Discrimination Prepared by Special Rapporteur—Part II

ARCOT KRISHNASWAMI

AN ANALYSIS OF WHAT CONSTITUTES DISCRIMINATION is perhaps summarized best in Article 28 of the Universal Declaration of Human Rights, which reads: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." In Section II of Article 29, we read: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public

Universal Declaration of Human Rights makes a distinction between "freedom to change . . . religion or belief" and "freedom, either alone or in community with others, and in public or private, to manifest . . . religion or belief in teaching, practice, worship and observance." In some areas of the world a change of religion or belief is prohibited by law, while the right to maintain religion is allowed.

The freedom to maintain or change a religion or belief is an absolute right, whereas the freedom to practice religion is sometimes limited in protecting the equal rights of others. The freedom to maintain or change one's religion is a matter of the personal faith or inner conviction of the individual. The freedom to manifest a religion or belief is also

Legally Controlled **RELIGION**



By J. WALTER

RELIGION IS A THING OF THE HEART. It is based on love. What folly would be manifest should men undertake by legislative enactment to obligate a man to love his wife. It would be no less folly for men to legislate how a man should relate himself to his God. It would be just as absurd to attempt to legislate patriotism as it would be to endeavor to make a man a Christian by force of law. If a man is not patriotic for other reasons than because some law says he must be, he will not be a dependable patriot. Nor will any man be a Christian who has no other reason for being one than that some law says he must be. It is a fundamental principle that love, not law, governs the wedding vows.

A legalized religion is a contradiction in terms. It is a religion that is not a religion.

a matter of personal conviction, but if that manifestation should impinge on the equal rights and freedoms of other members of the society, or of the society as a whole, it may justly and reasonably be limited, provided such limitations do not go beyond what is absolutely necessary to preserve the equal rights of others.

The Government of the United States, according to the Supreme Court opinion¹ on the First Amendment "forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship." In guaranteeing freedom of conscience and the freedom to adhere to whatever religion the individual may choose, the amendment recognizes that freedom to believe is absolute, while freedom to act, in the nature of things, may not be so, if that freedom to act curtails the equal freedom of others.

In India, as early as 1850, the East Indian Company removed by an act disabilities of property and inheritance losses which might follow a change of religion. The present Indian Constitution, as interpreted by the courts, according to the Draft Report, "guarantees freedom of conscience absolutely while subjecting to limitations the right to propagate and certain other outward or secular activities pertaining to religion."⁴

The government of the Union of Soviet Socialist Republics, the Report indicates, sent a reply to the Rapporteur's request for information, stating "Every citizen of the Soviet Union has the right, not only freely to choose his religion and freely to profess any religion, but also to recognize and to profess no religion at all and to conduct anti-religious propaganda (in a manner not offensive to the religious susceptibilities of believers), while enjoying full civil rights, regardless of his religious beliefs or anti-religious convictions."⁵ This freedom in the exercise of religious rights, however, according to a 1918 decree of the People's Commissars of Russia is "ensured provided they do not disturb public order and are not connected with any attempt to infringe the rights of the citizens of the Soviet Republic."⁶ The local authorities are granted the right in such circumstances to take the necessary measures to ensure public order and security.

Paragraph 70 of the United Nations Draft Report on Discrimination in the Matter of Religious Rights and Practices, is worthy of serious thought. "Although most countries in our day admit the principle that freedom to maintain or to change religion or belief should not be impaired, there are certain exceptions. In some instances the limita-

eral Government may make a Sunday law legal, but legality can never make it morally right. Legislated religion is morally wrong, for "whatsoever is not of faith is sin" (Romans 14:23). Sunday laws in colonial days required church attendance. How could a man rejoice in his religious attendance at church every Sunday morning when he would be fined if he did not go? What about the religious experience of those who do not want to comply with legislated religion? How could God bless the religious observance of a man who bitterly complained at the things he was required to do?

How could any government endure by seeking to force its citizens to be patriotic by legal exactions? Love for one's country will ever prove itself more powerful and lasting but love for God will ever prove itself more powerful. Those who contemplate the things of God, their country, or their city, or their fellow men, would do well to remember that has been the experience of those who have legislated better than they have.

It is impossible to reconcile these texts and their spirit with the spirit of coercion in religion. It is a foreign spirit to that of Christianity, for one who professes to love a God of love to resort to the procedure of religious legislation to coerce those who may differ in their beliefs and forms of worship. Whether may be right, it is certain that such a spirit is wrong, for "where the Spirit of the Lord is, there is liberty" (2 Corinthians 3:17).

Jesus said, "And if any man hear my words, and believe not, I judge him not: for I come not to judge the world, but to save the world" (John 12:47). These words of our Lord establish the divine right of dissent. Jesus came "to seek and to save that which was lost" (Luke 19:10), but not to force men to comply with the requirements of salvation. The true Christian is described as a "sinner that repenteth" (Luke 15:7)—and that by his own volition. "For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life" (John 3:16). Individual belief, and not legislated conformity, is the basic requirement for salvation. And brotherly love is the basis of all Christian relationships. "Beloved, let us love one another: for love is of God; and every one that loveth is born of God, and knoweth God" (1 John 4:7).

It is impossible to reconcile these texts and their spirit with the spirit of coercion in religion. It is a foreign spirit to that of Christianity, for one who professes to love a God of love to resort to the procedure of religious legislation to coerce those who may differ in their beliefs and forms of worship. Whether may be right, it is certain that such a spirit is wrong, for "where the Spirit of the Lord is, there is liberty" (2 Corinthians 3:17).

tions imposed are of a formal nature while in others they are of a serious character."

There have been certain instances of departure from the basic freedom of maintaining or changing religious beliefs as determined by the inner faith and conscience of the individual. In some instances a person or group has "been compelled to renounce formally his or their religion or belief, or to remain formally within a group even when he or they cease to believe in the teachings of that group. In other cases strong inducements—amounting in some instances to bribes—have produced the same effect. If it be considered—and it is so rightly considered by the consensus of world opinion—that freedom to maintain or to change a religion or belief does not admit of any restraint, every instance of compulsory conversion, or of prevention of a person from leaving the religion or belief in which he has lost faith, must be considered to be an infringement of the right to freedom of thought, conscience and religion."

The Scope of Freedom to Manifest Religion or Belief

Article 28 of the Universal Declaration of Human Rights asserts that religion or belief may be manifested "in teaching, practice, worship and observ-

ance," and Article 28 of the Draft Covenant recognizes these rights as "worship, observance, practice and teaching."

The ways in which the various religions manifest themselves vary considerably both as to their forms of worship and their methods of propagation. The terms used in the Universal Declaration and in the Draft Covenant are intended to include all religions and beliefs within their compass, and all possible manifestations of these religions or beliefs. The principles recognize both the individual and the collective aspects of freedom. The tendency in regimented countries is to limit public manifestations of religion demonstrated in community with others. State intervention is more frequent when religious manifestations are made in public rather than in private.

The only justifiable limitations to religious freedom are those which derive from the duty of the state to give "due recognition and respect for the rights and freedoms of others and for meeting the just requirements of morality and public order." This is the self-contained limitation which is in freedom itself, for freedom must guarantee equal freedom to all alike. One of the basic principles enunciated in the United Nations Declaration of Human

Rights, as interpreted by the Draft Report, is that the very purpose of any necessary limitation sought in a multireligious society in order to reconcile the interests of divergent groups "ought to be to ensure a greater totality of freedom for society as a whole, and not to sacrifice minorities on the altar of the majority." This is a fundamental and vital principle that must be observed if we are to preserve and secure in this modern world the universal right of religious freedom for all men.

In India, for example, the abolition by law of the discriminating practices of untouchability called for certain limitations by the state of traditional religious practices in order to increase the totality of freedom for Indian society as a whole. The law guarantees that no citizen on any grounds of religion only should be subjected to disability or liability or restrictions and access to shops, public restaurants, hotels, and public entertainment, et cetera."

It is difficult to prepare a text of universal application, because the terminology employed in various countries differs. But the exercise of human rights should only be limited as it is absolutely necessary to do so to increase the totality of freedom within a given state, provided, of course, that this increase of freedom is an actuality and not a ruse to the countries' minorities of the freedoms that have been guaranteed. The authors of the Declaration of Human Rights sought to avoid the possibility of the exercise of "arbitrary judgment" in matters of religious freedom. Their concepts are those of the "just requirements" of "a democratic society."

It is important to note that "the fact that a Government alleges that it has imposed a limitation with the sole view to satisfying 'the just requirements of morality, public order, and the general welfare in a democratic society' is not a proof in itself that the limitation is legitimate." Actually, such limitations may be excessive and tyrannical under a false concept that they contribute to the general welfare of the society. Any analysis of the justness of limitations imposed by governments must be based on the underlying principles involved in the Declaration of Human Rights. According to Article 30 of the Declaration, "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein." There can never be any justifiable right to seek the destruction of freedom of thought, conscience, and religion.

Article 7 of the Declaration states, "All are equal before the law and are entitled to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

It is the duty of the peoples of all countries to be alert to the fact that restraints upon religious rights

and practices, and even the denial of those rights, often do not spring from government pressure but from the pressure of nongovernment groups within a society. This is especially true in a democracy. In such instances the state's duty is clearly to protect the equal enjoyment of religious rights and freedom by all of its citizens. Furthermore, "it cannot be overlooked that in many cases social pressures and social intolerance are exercised through subtle methods of exclusion from social life or other forms of social ostracism."

It is difficult, of course, for a government to counteract such social pressures if they are imposed by powerful groups. Government attempts to oppose these interests may lead to increased tensions. When public authorities are confronted with a choice between enforcing "the equal enjoyment of religious rights and practices by all sections of the population" and "maintaining public peace and tranquility," often some type of compromise is entered into. When satisfactory compromises are not achieved, "considerations of peace and tranquility" are almost inevitably "given priority by public authorities." The danger is, of course, that at times the argument of peace and tranquility is used as a subtle "pretext for perpetuating infringements of religious rights and practices." In such instances who will determine whether actual consideration for peace and tranquility is the motivating factor, or whether it is rather the actual desire to stamp out a religion that is not wanted, that is the paramount reason for the repressive legislation?

At the present time the freedom to maintain one's religion or belief is generally recognized in most areas of the world. However, in certain countries constitutional enactments or legislative regulations "view with disfavour beliefs or philosophies which are not of a religious character." In other areas constitutional or legislative enactments favor a dominant church and merely tolerate the restricted existence of other religious bodies. In addition to this, in some areas social pressures deny certain civil or religious rights or impose restrictive measures of an economic character, excluding from certain trades or professions the members of certain religious groups. In lands where preferential treatment is given to the adherents of the national faith, this favoritism may cause a number to unite with this dominant group or may deter others from joining other groups.

"In recent times there have been examples of similar pressures being exerted by a religious group enjoying a preferential position, which are not curbed sufficiently by the public authorities. Often intolerance is shown not towards individuals professing a different religion, but to 'heretical' or 'schismatic' groups which have broken away from the

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"Lest We Forget"



By **JAN S. DOWARD**

PHOTOS BY THE AUTHOR

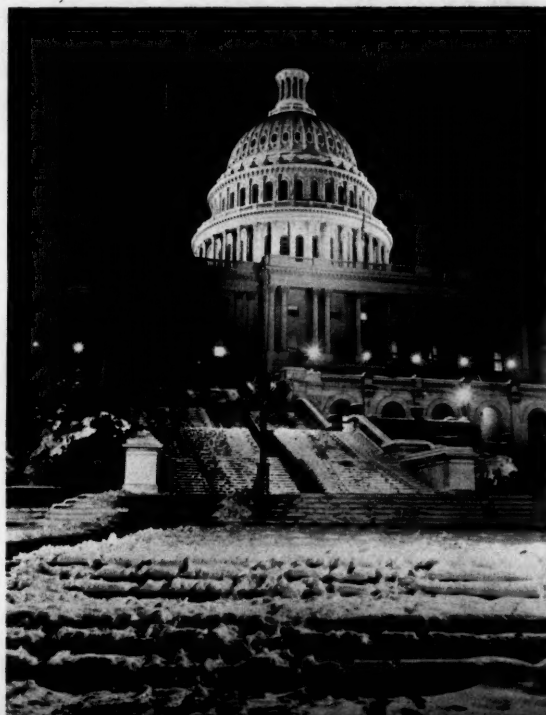
BEWARE of this hour of forgetfulness. It is so easy to forget the costly sacrifices made by the peoples in many lands to provide us with the measure of freedom the free world now enjoys. This forgetfulness can become fatal, confronted as we are with farflung global efforts of the forces of secular and ecclesiastical tyranny to sabotage the freedoms of earth's peoples. We here in America are so often occupied with our internal personal problems, our budgets and our social welfare and security, that we forget to give thanks for the priceless values of our religious freedom so long enjoyed. The demands of things close at hand in this fast-paced hour have left us too shortsighted. We have been guilty of unthankfulness and unawareness. Lest we be enslaved in an hour of forgetfulness, let us pause a moment to let the words of "America the Beautiful," by Katharine Lee Bates, sink into our hearts once again. The natural beauties of our land seem to portray the eternal glory of the natural rights of man.

A symbol of freedom, the Capitol of the United States has stood as a beacon to those who have known the freezing blight of tyranny and injustice. May we give thanks for its light of freedom and ever keep it shining.

THIRD QUARTER

"Give me your tired, your poor,
Your huddled masses yearning to breathe free. . . .
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!"

There remains much of beauty in this land—the rolling hills that rise from the valleys and sweep upward to make our majestic mountains, the quiet lakes and lazy streams that calm the white water pouring from hundreds of roaring rivers. How thank-

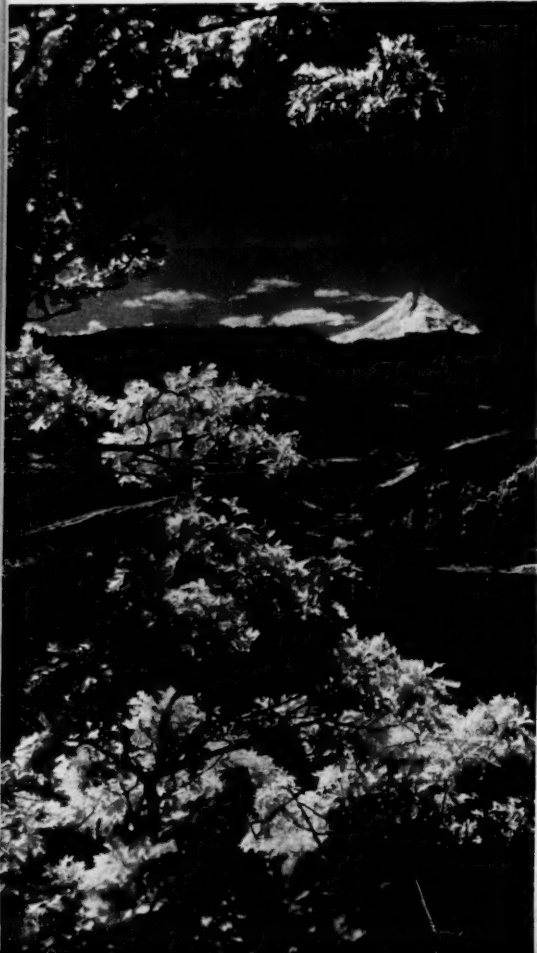




“LEST WE FORGET”




Beautiful white water flowing through our parks sings the song of freedom inherent in the heart of nature and in the heart of man. Tall timber areas unharmed by man are free and vibrant with the message of hope and freedom for all. For this we give thanks.



“A thoroughfare for freedom beat across the wilderness!”

“For purple mountain majesties”—Mount Hood on the Columbia. Rising high above the valley floor, America's mountains stand as mighty symbols of the bulwark of freedom that has made her great.



A land where children are free to play, to laugh and sing—this is America.

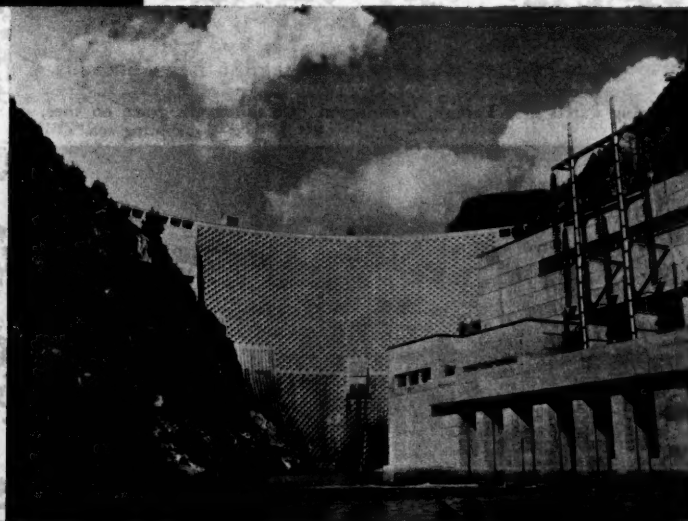


Quiet towns and villages, peaceful nooks away from the maddening throngs, tall spires piercing the sky—symbols of a free society's right to worship God according to the dictates of conscience.

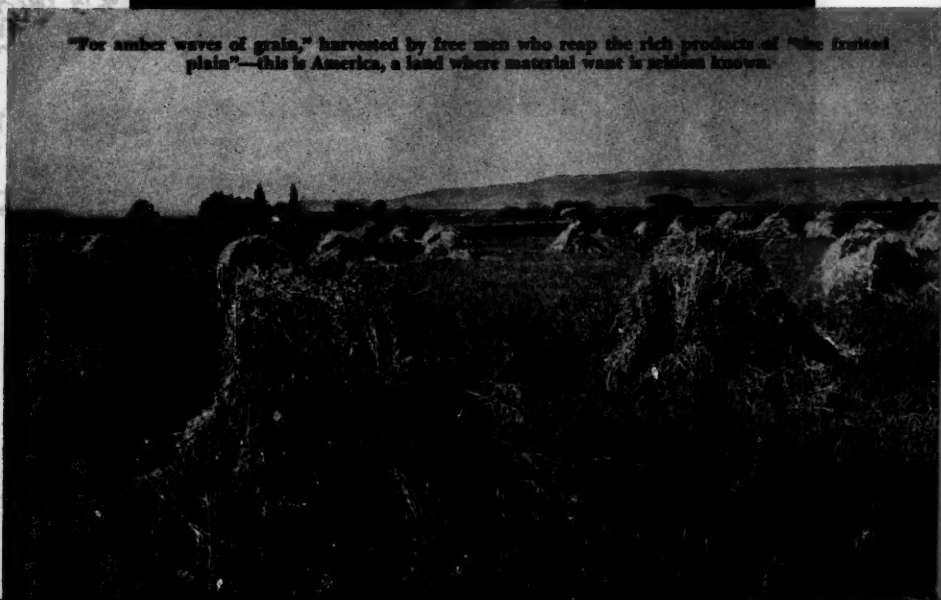


"O beautiful for heroes proved in liberating strife,
Who more than self their country loved, and mercy more
than life!"

America's industrial power has given the average family
a standard of living envied by many lands. For this
achievement of a free economy, we should be thankful.



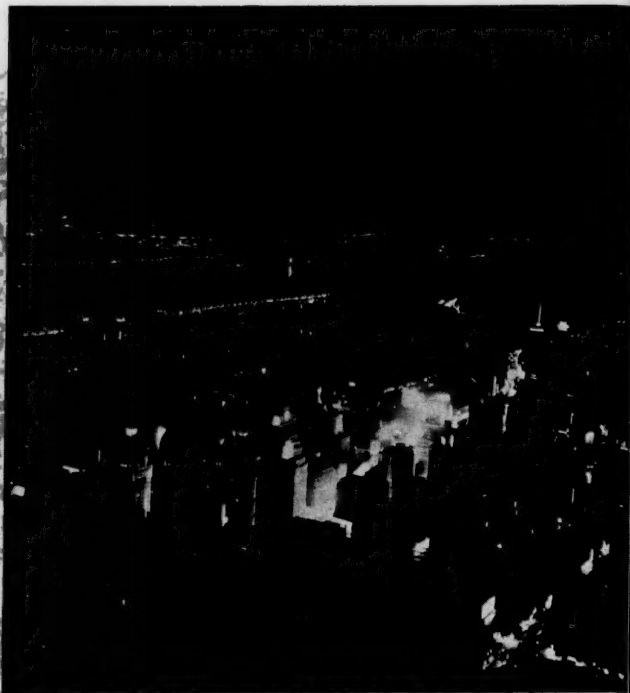
"For amber waves of grain," harvested by free men who reap the rich products of "the fruited plain"—this is America, a land where material want is seldom known.



ful we should be for the many highways and roads that lead through the forests of tall timber across the wide ranges and through waving fields of flowers and of grain. With what gratitude should we view the natural wonders preserved for us within our national parks.

But above the things of nature—the grandeur displayed “from sea to shining sea”—the freedom we enjoy transcends all else. For those who come to our shores, the Liberty lady standing out in New York Harbor is a sign of hope.

Surely every free man will arise to defend our priceless liberties against the attacks now being made at the heart of freedom. Let us not forget that for these principles men around the world have gallantly fought and died. Let us preserve the freedom that is still ours—freedom from the sight of poverty-stricken parents looking into the pinched faces of half-starved children, freedom from the haunted look in the eyes of those long enslaved under the iron hand of totalitarian rule, freedom to worship, to evangelize, to write, to speak, to think, to peaceably assemble—these are freedoms we must guard with eternal vigilance. Let us lift our hearts in thanksgiving—lest we forget.



“Thine alabaster cities gleam”—New York City sparkles like a jewel at night.

Pounding waters near Lapush, Washington. “God shed His grace on thee, and crown thy good with brotherhood from sea to shining sea.”





EVA LUOMA

The free and progressive towns of America proclaim the liberty of our wonderful land. "Freedom is like bread, which you go on earning day by day."

The WHY of Green River Ordinances

By **KENNETH HOPP, B.S., LL.B.**

PICTURE A SMALL TOWN—not a suburb of a large urban area, not a college town with its special talents, not a town that seems small only to a resident of New York or Chicago—but just an ordinary country town. It is self-contained, dependent on its own people for leadership in dealing with the day-to-day problems that arise.

Small towns usually supply services to a rural area. Farmers, cattlemen, lumbermen, and miners buy their groceries there, have their laundry done, seek their entertainment, send their children to school. Much of the farmers' produce will be marketed there; machinery will also be bought and serviced. The townspeople offering such services will include grocers, gas station attendants, mechanics, truck drivers, and hardware dealers. A real estate agent or an insurance agent may have an office there; a doctor, a lawyer, and a dentist may practice there. The school system will include a group of teachers. These, plus a few ministers of various denominations, will be the professional men of the town. The other major group will be retired farmers, some of whom are comfortably secure.

It is from such a population, usually including no specialist in political science or expert in management, that the mayor and councilmen are chosen.

These men meet once or twice a month to attend to the business of the town. The civic employees, often numbering less than half a dozen, are selected by them. They buy the equipment and supplies, contract for laying out streets, levy taxes, and

enact ordinances affecting the conduct of the townspeople. They are handy to anyone with a complaint. All this they do for a very nominal salary.

When colporteurs are arrested these city fathers have a hand in it, for they or their predecessors passed the ordinance under which the colporteurs are arrested and prosecuted. They instruct the police in dealing with door-to-door salesmen (the police will rarely act in matters of policy without the knowledge and approval of the city fathers). They include in the town budget a provision for the use of expected fines.

It is natural, when one hears of a harmless colporteur's being arrested for selling his literature, to become indignant—to fail to understand such trampling on the principles of religious liberty. Why do they do such things? Were one, however, to inquire of the town officers as to their actions, he would probably find that they pride themselves on their regard for freedom, including religious liberty, and that they sincerely respect the rights of others. What, then, is the cause of such seeming inconsistency?

The Town's Problem

It is worth remembering that the problem of door-to-door salesmen is not limited to colporteurs selling religious literature. Far from it. There are dozens of sellers of brushes, garden implements, encyclopedias, correspondence courses, et cetera.

In large cities, door-to-door salesmen can, and

generally do, operate out of a permanent office with a full-time staff. A prospective customer can easily check up on any salesman who calls on him. This is not so in a small town. It would be prohibitively expensive for a firm to establish an office in each town. Salesmen are usually independent, working out of their distant homes, having little interest in the community in which they are selling. They may not even live in the same State. In town only a day or two, or perhaps only a few hours, they collect what money they can and are on their way.

Such methods of selling, however necessary, lend themselves to fraudulent practices. Unscrupulous "operators" take advantage of this fact. They travel from town to town and work them for all they are worth. Often they are gone before the police are aware of their activities, and they leave behind a chorus of complaints. These complaints pour in when the ordered goods fail to arrive, or turn out to be shoddy, or when the correspondence course is obviously prepared by a person who flunked out of grade school.

When the complaints start coming in it is sickening how little can be done about it. The police are faced with certain obvious problems: Who were the salesmen? Where is their office? Whom do they represent? Where there is little or no available information, the only thing that can be done is to tell the victims to chalk it up to experience. They do. The next honest salesmen who call meet with a cool reception!

Another factor affects the situation. Local merchants dislike competition. Door-to-door salesmen also sell such products as milk and bread. Regular delivery routes serve the families' needs two or three times a week. Needless to say, local grocers would prefer to have such purchases made from them.

Two motives are involved here: the first is a well-justified desire to prevent the perpetration of frauds on local citizens; the second is a less-justifiable desire to reduce competition.

Considerations of this nature have led many towns to pass an ordinance to deal with the problem. Towns have been tempted to enact an ordinance simply forbidding door-to-door selling. Such an ordinance would easily be understood and easily enforced. The police would only have to ask, "Is this man selling from door to door? If so, arrest him!" Such an ordinance, however, would obviously be illegal. It is not necessary to rely on Article I of the Bill of Rights to establish this point; it is illegal as an improper discrimination against lawful businesses.

The alternative in many towns has been to im-



pose a prohibitory license fee. The right to sell is dependent upon having a license. To obtain that license requires a fee so large that it would not be profitable to sell in that town except as a full-time business. Such an ordinance is also illegal.

Most towns, counseled by their attorneys of the law, enact ordinances that require only registration and a reasonable fee, and forbid selling from door to door without the license. Ordinances of this nature, with their many variations, are in force in a great number of towns across the country. They are often called Green River ordinances.

Ordinances controlling house-to-house sales or solicitations are both fair and reasonable, provided they are not misused in preventing, or discriminating against, the sale of religious literature, or the solicitation of funds for religious purposes. Such ordinances are to protect both the honest salesman and the citizens of the town. They also, of course, produce needed revenue.

There is no reason why the average salesman should not come under such an ordinance. We must also recognize that the door-to-door selling of religious literature involves the same risks of fraud as

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The MISUSE

of Green River Ordinances

By ATTORNEY
OSWALD LUDWIG

DISCRIMINATION AND PERSECUTION have appeared in the United States today under a pretense of law and order. Partly sustained by the questionable ordinances of certain cities, and upheld by some of the courts of the land upon highly technical and debatable grounds, this legalized discrimination exists in spite of the plain wording of the Constitution of the United States. It contravenes the historic interpretations given to the First and Fourteenth amendments thereof and particularly the "*due process clause*" therein, by which the Supreme Court of the United States has made both the Constitution and our Bill of Rights a part of the basic law of every State in the Union.

Freedom of religion and the freedom of the press revived with the Reformation. Both of these freedoms had been brutally and cruelly assailed. Bibles had been confiscated and burned. People had been killed by the thousands for having their own particular brand of religion, and for claiming the right to worship God, the Father of all, in any manner they saw fit—without interference from other men. They held that God alone had a right to judge them, their beliefs, and their motives.

For the first 150 years of our national existence

following the adoption of the Constitution, there were no organized efforts or legal enactments to curtail, hinder, or deprive any religious persons or organizations of their right to raise funds for the purpose of establishing their religious institutions and for the dissemination of their beliefs. Evangelism is an integral part of religious freedom. Freedom of religion and freedom of speech, and the solicitation of funds for religious purposes are constitutional rights with which the Government cannot rightly interfere.

Instead of passing laws to stop the solicitation of funds for religious purposes or the sale of religious literature, the so-called Green River ordinances are in some areas enacted or enforced to hinder, delay, and discourage the sale of religious books and periodicals, and the solicitation of funds by religious workers. These ordinances are brought to bear against those of whom the officials have alleged suspicions, but not against the established and powerful churches or religious organizations in their own community. It is reported that not infrequently these alleged suspicions are false.

Often these Green River ordinances are merely the instrument by which the city fathers seek to maintain their control over the distribution and sale of religious literature permitted in their towns. Religious workers have sometimes been subjected to indignities. Some have been punished because of their unfamiliarity with the various local ordinances and with their constitutional rights and privileges. After a religious worker has been jailed by the city authorities, they consider that his usefulness to his organization in their city has ended, and the organization for which he was working has been discredited in the eyes of the public.

The so-called Green River ordinances have been misused by certain city fathers to discredit any religious solicitor they wish to. No informed person is so gullible as to believe that such ordinances are enforced against all organizations alike. Any attempt at distinction between a local and established church and one represented by persons from out of town is unconstitutional and void. No such discrimination between two religious organizations can be considered proper, for their equal rights are protected by the Constitution of the United States of America, and these rights are guaranteed throughout the length and breadth of the land.

The freedom of religion is above all freedoms, and the courts of the land should immediately deny the constitutionality of all ordinances that tend to circumscribe the equal freedom of all religions under law. No law should be allowed to gnaw away at the life line of religious freedom that connects the churches of our country to God, the Father of all, whom alone we acknowledge as the Judge of religious truth and sincerity.

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nance to religious activities, they immediately contravene the fundamental principles of the First Amendment to the Constitution.

In *Murdock v. Pennsylvania*, 318 U.S. 105, 115; 87 L.Ed. 1292 (1943), the court held that freedom of religion was in a preferred position according to the Constitution of the United States, and that colporteurs were vital to many evangelical religious movements that by this means disseminate the gospel through personal visitation in an effort to win converts to their faith. The court held that in such circumstances the colporteur work was more than distribution or sale of religious literature, since it combined the proclamation or teaching of the faith with the religious literature sold. Such definite religious activity under the First Amendment is given the same protective classification as preaching from the pulpit.

In *Jamison v. Texas*, 318 U.S. 413, 417; 87 L.Ed. 869 (1943), the United States Supreme Court held that under the Fourteenth Amendment the State could not legally prohibit "the distribution of handbills in the pursuit of a clearly religious activity merely because the handbills invite the purchase of books for the improved understanding of religion

Legality and Constitutionality of Green River Ordinances

By J. A. BUCKWALTER

Executive Secretary, International Religious Liberty Association

THE ATTEMPT BY SOME CITY AUTHORITIES to apply Green River ordinances to religious organizations in restricting or prohibiting the sale of religious literature or the solicitation of funds for religious purposes has called in question the constitutionality of these ordinances. Some courts have held such legislation unconstitutional. Other courts have upheld the constitutionality of Green River ordinances when applied purely to commercial transactions and not to the sale of religious literature or the solicitation of funds for religious purposes.

In the *Breard* case the Supreme Court of the United States upheld a Green River ordinance as a valid exercise of police power in regulating purely commercial canvassing. When city officials, as they have done in a few cases, apply this type of ordi-

or because the handbills seek in lawful fashion to promote the raising of funds for religious purposes."

The ruling of the courts is that religious literature sold by itinerant colporteurs does not make that type of evangelism a commercial enterprise, any more than the passing of the collection plate in the church makes the church service a commercial project. In *Murdock v. Pennsylvania*, the court held that "the constitutional rights of those spreading their religious beliefs through the spoken and printed word are not to be gauged by the standards governing retailers or wholesalers of books."

The courts have further held that unpaid solicitors seeking contributions for the work of a religious organization are not to be prohibited by Green River ordinances. (See *People v. Barber*, 289 N.Y. 378

[1943].) The Supreme Court of Massachusetts, in *Commonwealth v. Akmakjian*, 316 Mass. 97 (1944), forbade the application of Green River ordinances to religious pursuits, stating "that the ordinance in question applies only to those engaged in the pursuit of commercial enterprises and not to those engaged . . . in religious activities." The Circuit Court of Michigan held a Green River type of ordinance "invalid and unconstitutional" when applied to colporteurs engaged in the sale and distribution of religious literature.

The Louisiana Supreme Court has declared that a colporteur selling religious literature "cannot, by any stretch of judicial interpretation, be placed in the category of a peddler, hawker, or solicitor, since it is perfectly plain" that he is not calling on the homes for the purpose of soliciting orders for the sale of ordinary commercial merchandise but rather for the advancement of religion. The court held that if such activities were prohibited it would mean a restraint placed upon ministers of religious denominations calling on homes without previous invitation when accompanying their activities with the sale of Biblical literature. (See 200 La. 679; 8 So. [2d] 640. [1942].)

In the application of Green River ordinances the city fathers can only check to determine whether the activities in question are of a religious nature. If they are, they are not subject to restriction or prohibition by the police powers delegated to the State. Legislators have not delegated to any municipality the right to prohibit religious solicitors from going in upon private property for the purpose of advancing their religious beliefs by means of the sale of religious literature or by soliciting financial contributions to the faith. The application of Green River ordinances to religious selling or soliciting activities is unconstitutional. Such prohibition of the free exercise of religion is in conflict with the Constitution of the United States and contravenes the Bill of Rights of the various States.

Licensed Censorship

In Austin, Texas, a city ordinance that held that it was a misdemeanor to solicit for charitable or welfare purposes without first obtaining a license was tested in the courts in 1955. The ordinance was defined to include the use of money or property for the benefit of any church, congregation, religious society, sect, group, or order. A solicitations board was to determine the qualifications and character of the solicitor, and see that a reasonable portion of the amounts solicited went to the welfare in question. A permit was issued provided the conditions were met, and the solicitation was actually for a charitable purpose.

A street solicitor for the Christian Army Missions appealed from conviction for solicitation with-

out a license, and the Texas Court of Criminal Appeals in *Hoover v. Texas*, 161 Texas Criminal Appeals 642, 279 S.W. 2d 859, (1955), held that under the decision of the Supreme Court of the United States in *Cantwell v. Connecticut*, 310 U.S. 296, the ordinance could not be applied against solicitors of religious funds. The Supreme Court in the *Cantwell* case stated that "to condition the solicitation of aid for the perpetuation of religious views or systems upon a license, the grant of which rests in the exercise of a determination by state authority as to what is a religious cause, is to lay a forbidden burden upon the exercise of liberty protected by the constitution." The Texas Court of Criminal Appeals ruled that the sole authority of the solicitation board was to determine whether or not the cause is a religious one. It is not constitutional to leave the granting or withholding of permits for the distribution of religious publications to the discretion of municipal officers. No board or persons appointed as authorities in such determination has the right to deem it proper or inadvisable to disseminate religious ideas, or to make religious activities depend upon their approval or disapproval of the agent or institution concerned. Censorship of religion is a denial of the constitutional guarantees of the First Amendment. To concede such censorship in a limited way is to set up the machinery for it to be exercised in the extreme. The Supreme Court of the State of Texas, in *Largent v. Texas*, 318 U.S. 418, ruled that the censorship implied in the ordinance of the city of Paris, which required a permit to sell or solicit, abridged "the freedom of religion, of the press and of speech guaranteed by the Fourteenth Amendment."

The courts have definitely established the unconstitutionality of soliciting ordinances that confer the power of censorship of religion upon city officials. Municipal authorities in many instances, in order to avoid the constitutionality question with reference to such ordinances, have modified these or-

City and town councils deliberating on Green River ordinances must ever preserve the religious freedom of the individual.



ordinances to exempt from their operation religious solicitation or the sale of religious literature. The Supreme Court in the Cantwell case established the unconstitutionality of applying Green River ordinances to such religious activities.

In 1957, the United States Senate considered H.R. 3400, "a bill to provide full and fair disclosure of the character of charitable, benevolent, patriotic or other solicitation in the District of Columbia." In recognition of the fact that it was unconstitutional and contrary to the First and Fourteenth amendments to prohibit the sale of religious literature or the solicitation of funds for religious purposes, the bill was revised to read (Section 4, Subsection b): "The provisions of this Act shall not apply to any person making solicitations, including solicitations for educational purposes, solely for a church, or a religious corporation or a corporation or an unincorporated association under the supervision and control of any such church or religious corporation: *Provided*, That such church, religious corporation, corporation or unincorporated association is an organization which has been granted exemption from taxation under the provisions of Section 501 of the Internal Revenue Code of 1954."

The First and Fourteenth amendments do not permit the censorship of religion by ordinances granting or denying a permit for solicitation for religious purposes. It is not constitutional to require a church to obtain a permit, for it is not a permissible regulation within the opinion of the Supreme Court Cantwell decision. All city authorities should recognize that to apply Green River ordinances as a restraint on the free exercise of religion is an unconstitutional procedure, contrary to the principles of the First and Fourteenth amendments of the Constitution of the United States.

No Federal, State, or municipal authority has a right to prohibit the sale of religious literature or the solicitation of religious funds. These constitutional freedoms cannot be legally restrained or prohibited by any ordinance of any city or municipality.

Arbitrary Discrimination

Some ordinances require that a proper proportion of the money subscribed will be used for the purpose indicated, thus prohibiting the religious freedoms inherent in the "due process clause" of the Fourteenth Amendment. Frequently it is charged that these ordinances are used to discriminate against minority groups. All officials must recognize their fundamental duty to adhere to the principles of equity and fair play enshrined in the Constitution, and not to use arbitrary power wrongfully to disregard minority rights.

Municipality Green River-type ordinances are invalid when applied to religious activities. They should be amended and interpreted so as to exclude from

In a free society there is faith in the ability of the people to make sound, rational, judgments. But such judgments are possible only where the people have access to all relevant facts and to all prevailing interpretations of the facts.

—To Secure These Rights, Report of the
President's Committee on Civil Rights,
G.P.O. 1947

their jurisdiction the public solicitation of funds for religious purposes and the sale of religious literature by itinerant ministers of the gospel, whether lay or ordained. It is unconstitutional to interfere with the dissemination of religious faith by means of the distribution and the sale of religious literature.

When ordinances assign arbitrary power to individuals or to a commission to determine who shall be permitted to solicit religious funds or sell religious literature, they subject the religious activities of individuals of the highest character, and their efforts to advance the gospel as they believe it, to the arbitrary judgment of a few men who can prohibit the free exercise of their religion. A law that operates arbitrarily and with discrimination against certain religious enterprises directly contravenes the principles of the American Bill of Rights. No commission should be granted the right to restrict the activities of those who in a peaceable manner pursue the dissemination of the gospel in harmony with their understanding of the commission of Christ to them individually, or to their church.

To the extent any ordinance grants a commission, or an individual, power to deprive persons of their religious rights of disseminating their beliefs through the solicitation of funds, or the sale of literature, to that extent their arbitrary power is contrary to the Constitution and, therefore, null and void.

California's supreme court long ago held invalid an ordinance of the City of Los Angeles (*Matter of application of Dart*, 172 Cal. 47, 155 PAC. 63, LRA 1916D, p. 905), which created a Municipal Charities Commission, with authority to investigate all charities and to make solicitation without a permit unlawful. The ordinance stated "that the provisions of this section shall not apply to properly accredited solicitors of established churches of said city soliciting for purely religious purposes, but it shall apply to the various institutional works carried on by said churches in like manner as other persons, firms, corporations, and associations." When the Salvation Army was denied a permit because it refused to comply with certain conditions imposed by the ordinance, the ordinance was held unconstitutional by the court on the grounds that it denied a private

charitable association the right to fulfill the purpose of its existence saving under a permit from authorities and provided that these same authorities should have more direct say in the affairs of the soliciting organization. Although the court conceded that reasonable regulations may be adopted touching solicitations for public beneficence, a law could not make the right to solicit at all, and thus the right of a charity to even exist, dependent on the arbitrary will of a commission or of an individual. Such procedure would be wholly contrary to constitutional principles.

The court asked the question, "Can the municipal authorities of a city arbitrarily say what person or what institution may nor may not engage in charitable work dependent wholly or in part upon voluntary contributions from the public?" And the court replied, "Unhesitatingly we answer that this cannot be done; that it constitutes an attempt to use the police power in an arbitrary, unreasonable, and oppressive manner."

The court further contended that such regulations suppressed vocations and occupations that were positively beneficial to humanity, as well as being religious, and stated "the power to pass reasonable regulations in such a case bears no relationship to the power to prohibit or suppress." *Yick Wo v. Hopkins*, 118 U.S. 356; *Los Angeles County v. Hollywood Cemetery Asso.*, 124 Cal. 344.

The court held that "the utmost limit of reasonable regulation in the matter is reached by acts protecting the public from charlatans and impostors, insuring knowledge on the part of the donors of the purposes to which their contributions may be put, coupled with adequate safeguards against malversation as to the funds received." Charitable and religious works are not to be subjected to the determination of the municipal commission, as to what should be and what should not be permitted in the line of religious solicitation or religious-literature sales. What municipality or authority has the right to permit or prohibit a man to practice this or that type of religious activity? "The Constitution of the United States and the constitutions of the various States guarantee the free exercise of religion." It is "not within the ordained powers of our Government, national and State, or municipal, to say that such a vocation shall not be followed."

The court further observed, "The founders of the nation . . . placed the great guarantee of religious liberty in the Constitution of a free people, and it is for every court to see that that liberty is not encroached upon, and that freedom gnawed and impaired, by any experimental legislation however well meant. So, when legislation does enter that uncertain domain, the fact that it is there must bring to it condemnation. In accordance with the dictate of the Constitution itself, the doubt will be resolved in favor of religious liberty."

The Meaning of Freedom of Thought, Conscience, and Religion

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'parent' religion."¹⁸ The danger of losing followers causes the parent church to exert pressures against what they term inferior faith. There have been cases where religious groups, due to external pressures, have merged with other religious groups in an effort to resist the intolerance that comes from the outside.

World Opinion

The consensus of world opinion is in favor of permitting an individual to maintain or change his religious belief as his conscience so dictates. Often, however, social pressure is brought to bear upon those who change their religious affiliation. It is, of course, true that "in the past, when State and religion were closely associated, the attitude of the churches to this question found expression in legislation by the State, particularly in matters pertaining to membership of the dominant or the established church. Whereas conversion to this church was made easy, apostasy was often severely punished by measures such as excommunication, exile, or even death."

Although today such harsh treatment is not frequently in evidence, at least outwardly so, nonetheless "legal prohibition against changing religion or belief" does survive in some form in certain areas. The report of the Subcommittee on the Prevention of Discrimination and Protection of Minorities states, "In a number of countries matters of personal law—such as marriage, divorce, alimony, guardianship, and in a few countries, succession and the right of inheritance—are regulated not by the civil law but by the religious law of various recognized communities. Membership in such a community is therefore a condition precedent to enjoying legal rights included within the law of personal status."

The application of such restrictive religious laws referring to the personal privileges of one changing his religion may be so extreme as to almost bar a change, inasmuch as the apostate has none of the benefits recognized as the right of those who are members of the dominant religion or established church. There are countries in which a change of religion has legal effect only after it is formally registered by the religious or state authorities. This, of course, creates the "possibility of such a formality being employed to dissuade the individual from changing his religion."

Those religions which require as a condition for marriage of one of their members to a nonmember the "ante-nuptial agreement that the children will be brought up in conformity with the teaching of the

religion of the member" prohibit the child from changing his religion until he achieves majority, and this constitutes a partial curtailment of the freedom to change religion.

Discriminatory limitations that infringe upon the freedom to manifest religion or belief are sometimes difficult to classify. For example, states cannot allow subversive activities even though they may be invoked or supported by religion. However, the difficulty is to determine whether the state actually is in danger and does preserve its security by the form of repression used, or whether it is just a supposition that the religion or the group in question are subversive and the repression merely an attempt to rationalize the religious repression that is desired. The important principle involved is whether or not the state in its repression of rebellion holds strictly to the measures necessary to curtail the rebellion itself, or whether it enters upon "a policy of persecution against the religious group as such."¹ In such instances the Special Rapporteur has indicated in his Report that "the real motives of the Government may be inferred from such factors as its endeavour to find a solution satisfactory both for the group concerned and for the State as a whole by way of negotiations, and its attitude toward other groups in other parts of the country, belonging to the same religion as the rebels."²

(To be continued)

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⁴ *Study of Discrimination in the Matter of Religious Rights and Practices*, p. 28, par. 68.

⁵ *Ibid.*, p. 28, par. 69.

⁶ *Ibid.*, p. 28, par. 69, item 5.

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⁸ *Ibid.*, p. 29, par. 71.

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¹⁰ *Ibid.*, p. 33, par. 83.

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¹⁵ *Ibid.*, p. 36, par. 90.

¹⁶ *Ibid.*, p. 37, par. 92.

¹⁷ *Ibid.*, p. 38, par. 95.

¹⁸ *Ibid.*, p. 39, par. 97.

¹⁹ *Ibid.*, p. 40, par. 101.

²⁰ *Ibid.*, p. 40, par. 102.

²¹ *Ibid.*, p. 41, par. 103.

²² *Ibid.*, p. 43, par. 111.

²³ *Ibid.*

The "Why" of Green River Ordinances

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the sale of any other item. The Supreme Court, however, has ruled that such ordinances are illegal if applied to colporteurs selling religious literature. A discussion of their rulings will not be entered into; it is enough to know that they have been made.

It is important to realize that the application of such ordinances to religious salesmen does not necessarily represent a spirit of persecution on the part of the townspeople. On occasion they may. A zealous

policeman, spurred on by local churchmen (who do not care for competition either!) might well initiate a case. However, most cases are started by people who would be genuinely hurt if they were accused of being opposed to freedom of religion. Obviously the fundamental principles of religious freedom are not always understood by the rank and file of the populace. "After all," they might argue, "we ask of these religious colporteurs no more than we ask of other salesmen. We do not keep them from building churches. If they want to hold a public meeting in our town they can go right ahead. All we ask is that when they go around earning their living by selling religious books they secure a license like all other salesmen must." It is not easy to meet such an argument when the people making it are sincerely interested in the welfare of their community. They, of course, are not aware of the subtle inroads upon religious liberty that may be involved.

How can the argument be met? First, let us recognize that the townspeople are not trying to interfere with the rights of anyone, but only to solve a real problem for the mutual protection of the townspeople and of the honest salesman, including the salesman of religious literature.

Furthermore, those denominations who employ door-to-door salesmen should be foresighted about it. They should inform local authorities ahead of time of the nature of their program, of the fact that their people are carefully screened and known to be of unimpeachable character. This approach will demonstrate that the denomination is also interested in the problems of the town officials and will go a long way in preventing trouble.

The Right to Sell Religious Literature

The right to sell religious literature from door to door is a precious one. It is a form of preaching the gospel and has been held so by the highest court of the land. As such it is entitled to, and must receive, the protection of the fundamental law of the land. The First and Fourteenth amendments to the Constitution and the decisions of the Supreme Court have extended the widest protection to this right.

But there is an additional practical protection that can be afforded this right. That protection is "understanding"—understanding by the public of the nature of the right, and understanding by those who exercise this right of the problems connected with such rights and the forces that endanger them.

I have great respect for men and women who so believe the message they bear that they are willing to go from door to door to proclaim it. I would encourage them to assert that right everywhere, regardless of whether or not I personally agree with their message. I would, moreover, extend the fullest protection possible to the exercise of that right. "Understanding" is an essential part of that protection.

The Misuse of Green River Ordinances

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Permits and Prohibitions

True separation of church and state in this favored land proclaims the principle that no member of any church can be judged by any government as to his religious rights, privileges, and purposes. The fact that a religious worker is asked by municipal authorities to obtain a permit after filling out an application blank with many questions to be answered thereon is enough to show that the city claims the right to refuse to issue any such permit if all the questions are not answered, even though no fee can justly be charged to anyone engaged in religious solicitations. The fact that a religious colporteur or solicitor must exhibit a permit, without which he cannot solicit funds without being subject to arrest, indicates that these religious activities are being subjected to the control of the city authorities without whose permit they would be curtailed or stopped. Should religious colporteurs and solicitors be arrested at the whim of the city fathers? Can a city refuse a permit to a religious worker? A permit that cannot be refused is not a permit. No religious worker should be compelled to register for permission to engage in religious sales or solicitations. The question is whether or not the parties in question actually represent a religious organization. Beyond ascertaining that, the city fathers have no right to go.

A pernicious opinion that is gaining acceptance in some quarters asserts that a city, country, or State may force religious solicitors not only to register but to make their books and records available to the officials, and allow them to form an opinion as to their honesty or sincerity of purpose. If they should judge the solicitations to be fraudulent, they condemn the solicitors before the general public and discredit them. They may uphold whomsoever they wish. Thus the city fathers who favor certain religions can restrict or even prohibit the religious activities of those whose beliefs are different from theirs.

The solicitation of funds for religious purposes is not an act that can be separated from worship. The payment of tithes and offerings usually requires the payment of money, and it is founded upon religious belief.

Laws and ordinances used to circumscribe any, some, or all religious beliefs by curtailing the sales of religious literature or the solicitation of religious funds are unconstitutional. To apply Green River ordinances to such religious activities is to contravene the American Bill of Rights. Freedom is never found where men are not granted liberty to serve their God according to their conscientious convictions. Without

religious freedom America as we have known her cannot survive.

All new means, new methods, and new weapons that bring discredit upon religious workers, ultimately become the tyrannical tools of the enemies of all righteousness.

One stock argument is that Green River ordinances are not enforced against the religious salesmen and solicitors who have a local established church in the community. They are enforced against those who come in from other cities and seek to solicit funds to be taken away from the city. The local people might otherwise have given this money to local church organizations.

Our constitutional liberties extend wherever our flag flutters in the breeze. Such distinction between religious groups is neither constitutional nor legal.

Every Green River ordinance that seeks to regulate the solicitation of funds for religious purposes is unreasonable and unconstitutional. It is void because the solicitation of money for religious funds cannot be reasonably separated from acts of worship or belief.

Decisions of the Supreme Court have held that (1) religious liberty is a right to be enforced and protected by the United States Government under its Constitution and the amendments thereto, including the First and Fourteenth amendments thereof; and (2) that it is a right to be enforced and protected by each of the several States of the Union according to the interpretations given to the "due process clause," by the Supreme Court.

The State of California has placed this provision for religious liberty in its constitution:

Section 4 (Art. 1): "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State."

Certainly the solicitation of funds for religious purposes could not be classified as an act of licentiousness or a practice inconsistent with the peace and safety of the State. The solicitation of funds for religious purposes has always been considered a part of religious freedom. Such donations are believed to bring rewards both here and hereafter, and are enjoined and required by all Christian churches as well as by other religions.

We cannot recall the great leaders of our country who fought so nobly for our heritage of freedom, without feeling the urge to contend for the preservation of our liberty and to guard against every evil encroachment upon the basic fundamental freedoms that have made our fair country the "land of the free."



as the editors see it

America's Responsibility

IN A SPECIAL SENSE the responsibility of keeping freedom alive rests upon the shoulders of America. America was born in a quest for liberty. It was fashioned on the anvil of freedom. Its great Government must ever recognize that it can remain free only so long as it refuses to subject any segment of its population to any form of intellectual or religious tyranny.

The First Amendment stands guard over the freedom of public speech and the rights of the individual to be freely heard on matters that pertain to the welfare of the community, the church, or the state. The freedom of the pursuit of truth by all men must never be abridged. Policies and discrimination on grounds of race or religion are taboo. The First Amendment forbids any governmental or ecclesiastical tribunal to determine what is worth saying and what is not worth saying, and what should be heard and what should not be heard.

The demand for freedom of speech is the demand for the enlightened education of free minds. It is the demand for mutual understanding and equality under law. The First Amendment intends to make men free to say what as citizens and Christians they think and believe about the general welfare of the citizenry of the nation.

J. A. B.

The Right to Change One's Mind

WHAT KIND OF WORLD would we have if the right to change one's mind were forbidden by the law and upheld by the courts? This question seems almost preposterous. Yet with more serious reflection it is not hard to find many places where this right is denied in one way or another.

The most recent instance came to light in the Western Zone of Germany. According to Religious News Service, the civic chamber of the Ansbach District Court ruled that the conversion of a marriage partner to another religious faith against the will of the converted one's spouse constitutes

a "grave misdemeanor" in the light of the German marriage law.

This ruling was handed down in a case involving a woman suing for divorce after her marriage broke up when she and the couple's two daughters left the Evangelical Church to join the New Apostolic Church.

The chamber ruled she must accept part of the guilt for the divorce. Even more serious was the chamber's claim that the protection of an article in the West German Constitution, which guarantees freedom of religion, would not apply. This article, it said, regulated only the relationship between the individual and the state and did not affect the duties imposed upon both partners through a marriage. Thus, according to the chamber, this woman acted against her matrimonial agreement by changing her faith.

It is true that certain governments that recognize only one kind of organized religion as legal maintain laws forbidding withdrawal from a state-affiliated church. Changes then are permitted only by law. Registration usually must be made with a government or an ecclesiastical official.

West Germany, however, guarantees freedom of religion in the Constitution. It seems a little strange that a court would use the marriage vows to abridge that freedom. Does it follow that the marriage vows prevent any religious development without the permission of the spouse?

True faith is based upon conviction. Strong convictions usually produce action. This action often makes itself manifest through changes. One of the basic rights of mankind is to change. This right cannot in justice be denied by the state, marriage vows, or family.

Germany was the center of the Protestant Reformation. Luther as its leader changed his faith and his public profession of it. Catholics and Protestants alike recognize this right by proselyting.

Whether in the state or in the home, suppression of this right brings religious persecution and hypocrisy. In matters of faith, persuasion is proper, but any attempt of compulsion is unjust.

W. M. A.

The Most Cruel Tyranny

PERHAPS THE MOST CRUEL FORM of tyranny is an unlimited democracy. During the French Revolution the frenzied mob meeting in common council shouted large numbers of innocent men and women to the guillotine.

In China, Russia and other Communist countries the people's courts swayed by emotion and fear liquidate vast numbers of innocent people as wave after wave of hysteria sways them.

When the so-called "general will" is not limited by the inalienable rights of the individual it becomes perhaps the most brutal force known to humanity.

The only safety lies in surrounding the individual with certain rights which cannot be violated even by an overwhelming majority. As our Declaration of Independence says, the rights to life, liberty and the pursuit of happiness come not from government nor from a majority but from God. These rights together with freedom of religion, freedom of speech, freedom of the use of one's property, habeas corpus, trial by jury and numerous others are above and beyond the right of the majority to contravene unless the individual is so conducting himself as to infringe upon the equal rights of others.

Men must either discipline themselves to recognize these rights of the individual and join with one another to protect them, placing them beyond the power of a frenzied mob to contravene, or they will all become the victims of such popular emotional crazes as may possess the minds of the people from time to time as they are swayed by demagogues, popular orators and subliminal means of communica-

tion sponsored by the sociometrists who seem determined to condition and control the human mind.

A well-ordered, peaceful and prosperous society recognizes the necessity for respecting the rights of the individual and curbing the power of popular government over him. Majorities must rule but must also recognize the inalienable rights of the individual, over which they have no rightful jurisdiction.

—*Christian Economics*, March 17, 1959

Shall We Listen?

TO WHAT EXTENT shall we permit freedom of speech? To place a limit upon it is to deny its existence. Alexander Mickeljohn provides us with this penetrating analysis: "Shall we, then, as practitioners of freedom, listen to ideas which, being opposed to our own, might destroy confidence in our form of government? Shall we give a hearing to those who hate and despise freedom? To those who, if they had the power, would destroy our institutions? Certainly, yes! Our action must be guided, not by their principles, but by ours. We listen, not because they desire to speak, but because we need to hear. If there are arguments against our theory of government, our policies in war or in peace, we the citizens, the rulers, must hear and consider them for ourselves. That is the way of public safety. It is the program of self-government."—*Free Speech*, pp. 65, 66. The suppression of freedom of speech inevitably is a disastrous threat to public safety because of the imperative need for public information and public discussion in order to escape the enthrallment of tyranny.

J. A. B.



UNITED STATES

Editors of *The Christian Century* were surprised to receive a communication from the Post Office Department in Washington, informing them that the post office was holding a publication addressed to the editors which contained "foreign political propaganda as defined by the Foreign Agents Reg-

istrations Act (22 U.S. Code 611-621)." Such matter, the paper was told, "could ordinarily be treated as nonmailable when intended for dissemination in the United States." At the request of the editors the Post Office Department forwarded the censored mail. It turned out to be an eight-page mimeographed bulletin called the *Hungarian Church Press*. After careful scrutiny the editors were at a loss to know the reason for the delay of five months. In com-

menting on the incident, *The Christian Century* said, "Censorship of any kind is an insult to the intelligence and patriotism of the American people. But stupid censorship is, to paraphrase a French proverb, 'worse than a sin; it is a mistake.'"

Dr. Leo Pfeffer, national director of the Commission on Law and Social Action of the American Jewish Congress, in an address to the Delaware Valley Council of the congress proposed six "rules for fair competition" in the religious area. These were:

1. Force and coercion should not be used to make any religion's point of view prevail.
2. No religious sect should be suppressed.
3. Government—local, State, and Federal—should keep its hands off religious issues.
4. No religious group should use its religious authority to affect governmental activity.
5. Appeals to passion and prejudice should be avoided.
6. Boycotts as a form of economic coercion should be avoided.

Competition among religions "can only be socially productive if fair rules are observed which would give all Americans the information and opportunity necessary to make a free and enlightened choice on all issues of public importance," Dr. Pfeffer said.

The National Association of Evangelicals has asked the State Department to intervene with the Government of Greece and express American concern over confiscation of property belonging to Greek evangelicals.

Dr. Clyde W. Taylor, the NAE secretary for public affairs, told former Secretary of State John Foster Dulles in a letter that on September 19 Greek police attempted to seize a small park which lies between the evangelical church in Katerini, Greece, and an orphanage maintained by the congregation. He said that funds contributed by American evangelical churches have contributed to the erection of the church and orphanage and purchase of the land involved in the dispute. Dr. Taylor attributed the latest incident to "increasing pressure on the part of the state church in Greece" against Protestant minorities.

CANADA

The Reverend A. S. McGrath, general secretary of the Lord's Day Alliance of Canada, reported that 82 Ontario municipalities had conducted referendums on Sunday sports, with 52 voting in favor and 30 against.

The Supreme Court of Canada ruled in a four-

to-three vote that the Canadian Broadcasting Corporation cannot be prosecuted under the Lord's Day Act for broadcasting on Sunday.

The decision overruled earlier ones by Ontario courts that the CBC was subject to the Sunday law. Both Chief Justice J. C. McRuer of the Ontario High Court and the Ontario Court of Appeals had ruled that the CBC was liable to provisions of the act. The CBC appealed to the Supreme Court on the grounds that, as an agent of the Crown, it could not be found guilty of a criminal offense.

When the verdict was announced, Ontario provincial government circles in Toronto predicted that Ontario Premier Leslie Frost would drop other test charges under the Sunday law against three Toronto newspapers—the *Star*, *Telegram* and the *Globe* and *Mail*—and against radio station CKEY.

COLOMBIA

Christianity Today reports new outbreaks of violent persecution in Colombia. On January 24, the Reverend Luis Ignacio Rovira was shot while sitting with some friends on his porch. Just a few hours before, as he led his small congregation in worship, he remarked, "I am ready to die for Jesus, even if it is tonight." That evening shots rang out of the darkness. The friends scattered. After spending the night in nearby caves and fields, they returned to find Rovira and a four-year-old boy dead. Two other persons were injured. Some 150 bullet holes were found in the walls.

"Several days before," *Christianity Today* reported, "a mob had broken up a Protestant funeral service in San Vicente and had stolen the body."

"Another report from southern Colombia told of a young Indian Christian being clubbed to death while witnessing" for his faith.

CHINA

In a recent move a purely Chinese organization known as the Three-Self Patriotic Movement (self-support, self-government, self-propagation) has taken over most of the churches in China.

According to the August 25 *Tien Feng*, official bi-weekly organ of the Three-Self Movement, 65 churches in Peking voted to consolidate into four churches. This merger released a large number of church workers to be assigned to labor in the farm commune. All of the church property left vacant by the move has been turned over to the government for public use. In September, similar action was taken where 200 churches in Shanghai were merged into 12 or 15. Other mergers were reported in Tientsin, Wenchow, and Taiyuan.

Apparently every ecclesiastical body that can be called Protestant is included in the mergers. Among those mentioned as being expected to cooperate in the new organization are the Episcopal Church, the Church of Christ, and the Baptist, the Seventh-day Adventist, and the Apostolic Faith churches.

Illegal activities for the new Chinese Christian Church seem to be faith healing, independent preachers (preachers without a congregation or church of their own), preaching on the second coming of Christ, and the holding of church meetings in private homes.

CUBA

Shortly after the collapse of the Batista regime, Fidel Castro declared: "I feel that, without detriment to freedom of worship, religious instruction must be given in the public schools."

Soon after this statement appeared an organization calling itself the Representative Committee of the Protestant Schools issued a statement urging "a most absolute separation of Church and State." The group declared itself opposed especially to religious education in the public schools.

The Catholic bishops have issued a joint pastoral letter urging that religious instruction be introduced into Cuba's public schools. The bishops asserted that constitutional provisions regarding separation of church and state do not mean "that the State is atheistic or the enemy of any legally established religion, but that it is neutral in religious matters."

CZECHOSLOVAKIA

Five workers were sentenced to prison by a court in Czechoslovakia for taking part in "spiritual sessions," according to *Prace*, trade union paper published in Prague. Three of the workers were women.

GERMANY. SOVIET ZONE

Despite Communist persecution, the Jehovah's Witnesses have grown rapidly in Communist-controlled countries, twelve thousand members of the sect attending a meeting in Berlin were told. The number of Witnesses in Communist areas has doubled in the past ten years, it was reported. This was in the face of Communist pressure, which included the arrest of 3,000 members in the Soviet Zone of Germany alone since 1950.

THIRD QUARTER

It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publications, speeches, or motion pictures.

—Justice Tom Clark of the Supreme Court in *Burstyn v. Wilson*, 343 U.S. 495 (1952); cited in Fraenkel, Osmond K., *The Supreme Court and Civil Liberties*, ACLU 1955, p. 23

GREAT BRITAIN

Another champion for liberty recently spoke up in Britain. It was the London *Economist*, favoring repeal of all sabbatarian legislation on Britain's statute books. After listing some other reforms they felt were needed, the *Economist* said, "Let the list lengthen." "Britons are not as free as they think."

The parliament of Jersey, largest of the Channel Islands, rejected a proposal to permit teachers to give religious instruction in the schools. At present clergymen are permitted to teach religion inside the schools provided the parents of at least ten pupils request it. Laymen may substitute for the clergymen, but the teachers are not permitted to take over the religious courses.

GREECE

Fifty Jehovah's Witnesses were arrested in Athens, Greece, by the police on a charge of proselytism and holding a religious meeting without a special permit from the Greek Ministry of Cults.

The Greek Supreme Court later ruled that Jehovah's Witnesses are a "well known faith and therefore protected by the Greek Constitution." Witnesses may now circulate their religious publications freely and hold services without restrictions.

In Ioannina, Greece, a Jehovah's Witness was sentenced to eight years in prison by a court martial on charges that he declined to bear arms while in military service in Corfu. Antonios Demou told the court that as a member of the Witnesses he could not bear arms without violating his religious beliefs.

ITALY

The country's highest administrative court, the council of state, is expected to rule soon on whether or not a former Roman Catholic priest can become

the mayor of an Italian town. The issue was raised by Ettore de Ruggero, a former priest, recently elected mayor of San Tommona, south of Naples.

Provincial authorities annulled the election on the grounds that a priest who has abjured the faith and abandoned the ministry cannot become a civil servant in Italy. They cited the Italy-Vatican concordat of 1929 (Lateran Treaty signed by Mussolini and Pope Pius XI) in ruling that any decision by Roman Catholic ecclesiastical authorities concerning ordained priests automatically has juridical effects also.

Article No. 724 of the Italian Penal Code, making it a punishable offense to curse or insult the Deity or symbols associated with the Roman Catholic faith, was upheld in Rome by the Constitutional Court as in harmony with the Italian Constitution.

The case had been brought before the Constitutional Court by a lower judge in Martina Franca. He argued that a contradiction between the Penal Code and the Constitution had arisen in the case of a man brought before him for having pronounced a curse in front of an image of the Madonna.

Article 8 of the Constitution states that "all religions are equally free before the law." Some authorities have argued that it implies that Roman Catholicism was not to be regarded as a "religion of the state."

The Constitutional Court ruled, however, that the Constitution could not modify the overwhelming importance of the Catholic religion in Italian life as compared with other religions, and therefore Article 724 of the Penal Code must be considered as still valid.

SPAIN

Three Spanish Baptist churches have been closed by the police. Largest of the three is a new structure built by an expanding congregation at Calle Verdi. After the new church was built, the police refused to allow its doors to be opened for worship. Another church at Pueblo Nuevo, reconstructed after being destroyed by the civil war, has also been shut down. A third is the Baptist church at Turo de la Peira. A pastor in Madrid who defied the police ban is due to appear in court soon.

POLAND

The city authorities in Warsaw, Poland, have granted approval for a proposed new Baptist church and headquarters. The project will be aided by about \$30,000 from Baptist groups in the United States, in addition to funds from Baptists in other lands.



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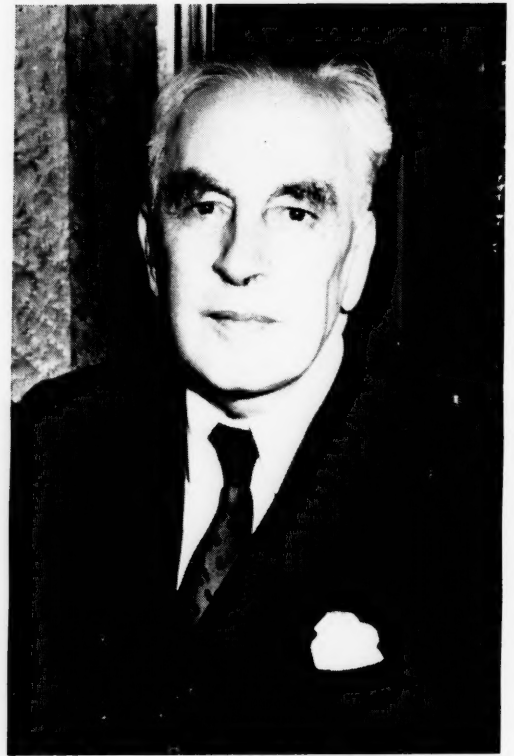
Ben Burroughs

It's up to every one of us . . . to do all that we can . . . to preserve peace and freedom . . . and the brotherhood of man . . . this grave responsibility . . . is in reality . . . not strenuous labor but . . . an opportunity . . . ours is the chance to write upon . . . the pages of our time . . . a golden chapter that is filled . . . with true reason and rhyme . . . start young, and walk the path with faith . . . love stifles weeds of hate . . . happiness will come to those . . . who will participate . . . it doesn't cost a single cent . . . to pass the time of day . . . with those we meet while traveling . . . upon life's winding way . . . for it's a sign of brotherhood . . . so needed in this life . . . believe it, live it, support it . . . help rid the world of strife.



Arnold Toynbee

Warns of Idolatrous Deification of Coming World Government



WIDE WORLD PHOTO

WE CAN, however, foresee that, when world-government does come, the need for it will have become so desperate that Mankind will not only be ready to accept it even at the most exorbitantly high price in terms of loss of liberty, but will deify it and its human embodiments, as an excruciated Graeco-Roman World once deified Rome and Augustus. The virtual worship that has already been paid to Napoleon, Mussolini, Stalin, Hitler, and Mao indicates the degree of the idolization that would be the reward of an American or a Russian Caesar who did succeed in giving the World a stable peace at any price; and in this baleful light it looks as if the œcumenical welfare state may be the next idol that will be erected in a still discarded Christianity's place."

